

# INSTRUCTIONS FOR COMPLETING FORMS TO OBTAIN A JUDGMENT, ENFORCING AN EXISTING COURT ORDER, DECREE OR JUDGMENT IN ADA COUNTY

## FLE INSTRUCTION 01

This procedure can be used to enforce an existing court Order, Decree or Judgment by allowing you to obtain a judgment for monies paid by you that the other party was ordered to pay in the courts previous Order, Decree, or Judgment. ***These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing any documents.***

Prepare all documents following the instructions below.

1. Take or mail the original documents entitled: MOTION AND AFFIDAVIT FOR ENTRY OF JUDGMENT and JUDGMENT to the courthouse where your original Order, Decree or Judgment is filed. Bring an original and two copies of each form. Also bring in two envelopes- one addressed to each party with a postage stamp on each. There should be no filing fee as you are taking action only to enforce a prior court order.
2. Call the courthouse where the case is filed to find out which judge is assigned to your case and to request a hearing date and time from the judge's clerk. You can reach the Ada County Clerk's Office at (208)287-6900 during business hours of 8:00 am to 5:00 pm Monday through Friday. Fill out the NOTICE OF HEARING MOTION FOR ENTRY OF JUDGMENT and take, fax or mail the original to the courthouse.
3. Arrange to serve the other party with a copy of the Motion and Notice of Hearing. A third party over the age of 18 will have to serve the documents and complete an Affidavit of Service indicating when and where they personally delivered the documents. You will need to file the Affidavit of Service with the Court Clerk in Ada County. Keep a copy of these documents for your records.
4. Prepare for the hearing. You will be required to provide proof that the expenses and costs were incurred, that the other party was properly notified of the expenses, (as required in your original Order, Decree or Judgment), and that you have paid the expenses and costs for which you are seeking reimbursement. If your order does not state how you should notify the other party, be sure you have notified the other party in writing and allowed a reasonable time for the other party to reimburse you.
5. On the day of the hearing, make sure you go to the correct courtroom. Bring your copy of all the documents you filed with the court. Dress neatly and address the judge as "Your Honor." The judge will call the name and the number of your case. Go to the clerk's table by the judge's bench. Then the clerk will swear you in and you will take a seat at the witness stand to outline your proof. The judge may ask you questions. If the judge has no questions, you are finished. (For more information about court see Ci Instruction 2).
6. If the Judgment is signed and the other party does not pay the money in a reasonable period of time, you can obtain a *Writ of Execution* and proceed to collect the judgment. Contact an attorney or the Court Assistance Office for the procedure to collect the Judgment.

**Instructions for completing the forms:** Complete the forms with a typewriter or by printing legibly in **black ink**. Make a copy of the forms before you begin to write on them so you will have a clean copy to prepare your final draft for filing with the court.

At the top left-hand corner of page 1 fill in your name, mailing address and telephone number.

On every form, fill in the county and judicial district in the heading ***exactly like it is in the Order, Decree or Judgment you are asking be enforced*** (for example, "In the District Court of the Fourth Judicial District in and for the County of Ada"; both the district number and the county should be in capital letters).

Print the Petitioner/Plaintiff's name over the word "Petitioner" and the Respondent/Defendant's name over the word "Respondent" ***exactly as they appear in the caption in the Order, Decree or Judgment you are asking be enforced.***

Fill in the case number from the original case. If you are unsure of the case number or party names you can look up cases filed in all Idaho counties through the online Idaho Court Repository, which is located at: [www.idcourts.us](http://www.idcourts.us).

#### **Motion and Affidavit for Entry of Judgment.**

Check the box and complete Section One if you are seeking reimbursement of health care or work-related child care expenses. **Once complete, make two more copies.**

1. Check the box to indicate which expenses you want to collect and complete the percentages.
2. Write in the total amount of the expenses you have paid.
3. Fill in the name of the other party, the amount of reimbursement s/he owes you and the date of the last charge.

Check the box and complete Section Two if you are seeking reimbursement of payments to other types of creditors.

1. Fill in the name(s) of the accounts that your ex should have paid.
2. Fill in the total amount that you have paid.
3. Fill in the name of your ex, the amount of reimbursement s/he owes you and the date of your last payment.

Check the box and complete Section Three

1. Fill in the other party's name and your name, plus the total amount of the partial judgment you want, and check the box(es) indicating the type of payments.
2. Attach copies of your receipts showing your payments.
3. Fill in the date.
4. Type or print your name, locate a Notary Public, Sign your name in front of the Notary and have the Notary complete the bottom of page 2.

#### **Notice of Hearing Motion for Entry of Judgment.**

- Check whether you are the Petitioner/Plaintiff or the Respondent/Defendant in this case.
- Fill in the day, month, year, and time the judge's clerk has given you for the hearing.
- Fill in the name of the county and the street address and city of the Courthouse.
- Write in the name of the judge assigned to this case.
- Write in the current date.

- Date the document.
- Sign your name.
- Type or print your name.

**Once complete, make two more copies.**

**Affidavit of Service. (Required in Ada County)**

- Complete the heading, caption and case number. *The person who serves the documents on the other party will complete the remainder of the form.*
  - Deliver or mail a copy of the *MOTION AND AFFIDAVIT FOR ENTRY OF JUDGMENT* and *NOTICE OF HEARING MOTION FOR JUDGMENT* and the original Affidavit of Service to a sheriff, professional process server, or other person who is 18 or older in the county where the other party lives, who will serve the papers.
  - If using the sheriff or a professional process server, call first to find out what they charge for serving papers and include a money order or check for the correct amount when you send the papers. It may be necessary to include a letter stating where the other party can be served, a description or photograph of him/her, a description of the vehicle s/he usually drives and any other information that may help the process server locate and identify the other party.
  - The person who serves the papers will send the signed and notarized **Affidavit of Service** back to you. You should make a copy of the **Affidavit of Service** for yourself.
  - The original **Affidavit of Service** must be filed with the Court before the time of the hearing.

**Judgment.**

- Fill in the heading, the caption and case number just as you did in the other forms.
- Check whether you are the Petitioner/Plaintiff or the Respondent/Defendant
- Write in your current legal name.
- Check whether the other party is the Petitioner/Plaintiff or the Respondent/Defendant.
- Write in the other party's current legal name.
- Write in the total amount of reimbursement you are requesting (the same amount you wrote in the Motion).
- Leave the date open.
- Leave the signature line open for the judge.
- **Clerk's Certificate of Service:**
  - Write in the Petitioner/Plaintiff's name and mailing address.
  - Write in the Respondent/Defendant's name and mailing address.
  - Leave the date and the signature line for the judge's clerk to complete.

**Once complete, make two more copies.**